

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-142113-002 DT

12/07/2011

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
T. Henninger
Deputy

STATE OF ARIZONA

JOSEPH WILLIAM WATERS

v.

THEODORE ROOSEVELT HOLLOWAY III
(002)

DANIEL R RAYNAK

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY THREE

Courtroom ECB 412

State's Attorney:	Joseph Waters and Eric Yuva
Defendant's Attorney:	Daniel Raynak
Defendant:	Present

Court Reporter, Michael Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

Case Agent, Michael Meelhuysen, is present assisting counsel for the State.

10:38 a.m. Trial to Jury continues from December 6, 2012.

The jury is not present.

Discussion is held regarding redacted videotape.

10:47 a.m. The Jury is now present.

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Opening statements.

Counsel approach the bench with the Court Reporter and discussion is held out of hearing of the jury.

Opening statements continue.

State's case:

Tonya Marchiol is sworn and testifies.

LET THE RECORD REFLECT the witness makes an in court identification of the Defendant.

State's exhibit 16 is marked for identification.

State's exhibit 16 is offered and admitted into evidence.

Counsel approach the bench with the Court Reporter and discussion is held out of hearing of the jury.

12:00 p.m. The Jury is reminded of the admonition and leaves the courtroom; Court stands at recess.

Defendant's exhibits 17, 18, 19 and 20 are marked for identification.

1:32 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Michael Babicky is present.

Case Agent Michael Meelhuysen is present assisting counsel for the State.

The Jury is not present.

Court and counsel discuss matters.

Argument is heard on the State's oral Motion in Limine to preclude Defendant's exhibits 17, 18, 19 and 20.

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IT IS ORDERED denying the State's motion at this time. The Court advises counsel the motion may be re-urged at the time exhibits are presented.

1:43 p.m. The Jury is now present.

Tonya Marchiol continues her testimony.

Counsel approach the bench with the Court Reporter and discussion is held out of hearing of the jury.

Tonya Marchiol continues her testimony.

Defense exhibit 17 is offered and admitted into evidence.

Defense exhibit 18 is offered and admitted into evidence.

2:28 p.m. The Jury is reminded of the admonition and leaves the courtroom; Court remains in session.

Argument is heard on the witnesses request to speak with her attorney. The witness steps down to confer with counsel.

2:32 p.m. Court stands at recess.

2:47 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Michael Babicky is present.

Case Agent Michael Meelhuysen is present assisting counsel for the State.

The Jury is not present.

Court and counsel discuss matters.

2:48 p.m. The Jury is now present.

Tonya Marchiol continues her testimony.

Counsel approach the bench with the Court Reporter and discussion is held out of hearing of the jury.

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2:50 p.m. The Jury is reminded of the admonition and leaves the courtroom; Court remains in session.

Court and counsel discuss matters.

3:04 p.m. Court stands at recess.

3:08 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Michael Babicky is present.

Case Agent Michael Meelhuysen is present assisting counsel for the State.

The Jury is not present.

The Court addresses the witness.

Court and counsel discuss matters.

Counsel approach the bench with the Court Reporter and discussion is held.

Discussion is held regarding trial schedule.

The witness is addressed by the Court and advised she may be excused for the day but is still under subpoena and is instructed to remain in contact with the prosecutor.

3:30 p.m. The Jury is now present in the courtroom.

3:31 p.m. The Jury is reminded of the admonition, instructed to return on December 8, 2011 at 10:45 a.m. and leaves the courtroom; Court remains in session.

Discussion is held.

3:33 p.m. Court stands at recess until **December 8, 2011 at 10:30 a.m.** in this division.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.